

## REMARKS

Claims 1-35, 98 and 99 were pending in this application prior to this paper. Claim 99 is canceled herein. Claims 36-97 were canceled previously. Claims 1, 7 and 98 are amended herein.

The examiner requests information under 37 C.F.R. § 1.105. However, in connection with this request, the examiner states on page 3 of the April 28, 2009 Office Action, “[s]pecifically, the Applicant is requested to point out to the Examiner which references teach **the multi-level marketing techniques** as well as **an employment location system**.” (Emphasis added) The present claims are not directed to a multi-level marketing technique or an employment location. It is not known, therefore, whether the inclusion of the request for information under 37 C.F.R. § 1.105 was intended by the examiner for the present application. It appears that perhaps the examiner’s request under 37 C.F.R. § 1.105 may have been intended for a different patent application. In any event, the undersigned is not aware that any of the references listed on the Information Disclosure Statement filed February 9, 2004 disclose any multi-level marketing techniques or employment location systems. To the extent that the examiner did intend the request for information under 37 C.F.R. § 1.105 to be made in the present application, the undersigned points out that the Assignee of the present application, Hill-Rom Services, Inc., had this matter transferred from a former law firm to the undersigned’s law firm in 2007. The February 9, 2004 Information Disclosure Statement was filed by an attorney at the former law firm. Accordingly, pursuant to 37 C.F.R. § 1.105(a)(4), the undersigned has no knowledge regarding the reasons that the attorney at the former law firm decided to list the various references that were listed in the February 9, 2009 Information Disclosure Statement.

The examiner rejected claim 99 under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 99 is canceled herein.

The examiner rejected claim 99 under 35 U.S.C. § 102(a) as being anticipated by U.S. Pat. No. 6,344,794 to Ulrich et al. As noted previously, claim 99 has been canceled.

The examiner rejected claims 1 and 98 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,344,794 to Ulrich et al. (hereinafter “Ulrich”) and further in view of U.S. Pat. No. 6,127,917 to Tuttle (hereinafter “Tuttle”). Claims 1 and 98 have each been amended to include the recitation “wherein each portable client device of the plurality of portable

client devices is capable of being used to establish voice communications with each of the other portable client devices and wherein each of the portable client devices has a reader configured to read data directly from each of the plurality of tags.” Such portable client devices having the recited capabilities are neither disclosed nor suggested in Ulrich or Tuttle. Thus, the combination of elements and limitations recited in claims 1 and 98 distinguish over the combination of Ulrich and Tuttle. Referring to locating systems generally and not the particular claims of the present application, the undersigned submits that, in a system in which tags transmit signals to various receivers or transceivers positioned at various fixed locations in a facility for the purpose of locating a person or asset associated with the tag, it would not be obvious to equip a plurality of portable client devices with additional tag readers because of the added expense that doing so would entail. Accordingly, claims 1 and 98, along with claims 2-35 which depend either directly or indirectly from claim 1, are in condition for allowance and such action is respectfully requested.

The amendment to dependent claim 7 was necessitated due to the amendment that was made to claim 1. The examiner provided explanations regarding how the Ulrich/Tuttle combination was believed by the examiner to include the subject matter of dependent claims 2-6, 14-16, 19-22, and 27-33. However, the examiner did not explicitly list these claims among those that were being rejected based on the combination of Ulrich and Tuttle. Specifically, the examiner only listed claims 1 and 98 in the sentence at section 15 on page 6 of the April 28, 2009 Office Action. In any event, claims 2-6, 14-16, 19-22 and 27-33 depend from claim 1, either directly or indirectly, and therefore, are allowable for the same reasons noted above that claim 1 is allowable.

The examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Ulrich in view of Tuttle and further in view of U.S. Pat. No. 4,688,026 to Scribner et al. The examiner rejected claims 9-13 and 23-26 under 35 U.S.C. § 103(a) as being unpatentable over Ulrich in view of Tuttle and further in view of U.S. Pat. App. Pub. No. 2002/0059425 to Belfiore et al. The examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Ulrich in view of Tuttle and further in view of U.S. Pat. No. 5,561,412 to Novak et al. The examiner rejected claims 34 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Ulrich in view of Tuttle and further in view of U.S. Pat. App. Pub. No. 2001/0051905 to Lucas. Each of these obviousness rejections is rendered moot because claim 1,

from which claims 7, 8, 9-13, 17, 18, 23-26, 34 and 35 depend either directly or indirectly, is in condition for allowance as noted above.

An earnest attempt has been made to place the application in condition for allowance and such action is respectfully requested. If there are any questions or comments that would speed prosecution of this patent application, the Examiner is invited to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to attorney docket no. 7175-202220.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Ronald S. Henderson", with a long horizontal flourish extending to the right.

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